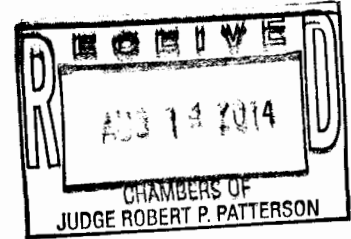


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MEMO ENDORSED

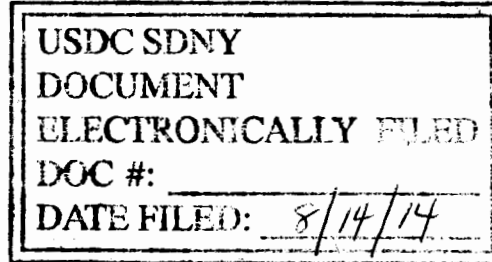
August 13, 2014

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Honorable Robert P. Patterson, Jr.
U.S. District Court for the
Southern District of New York
500 Pearl St., Courtroom 24A
New York, NY 10007-1312



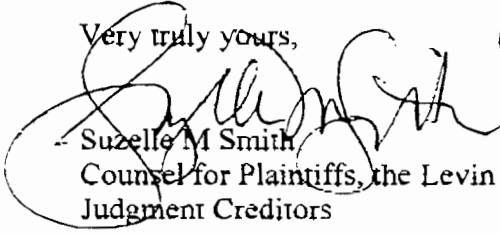
Re: *Jeremy Levin, et al. v. Bank of New York, et al. al., Case No. 09 CV 5900*

Dear Judge Patterson:

I represent the Levin Plaintiffs and Judgment Creditors in the above-referenced action. I received an email from Ms. Katherine Poor stating that Your Honor set a hearing date of August 21, 2014 for the Judgment Creditors' Renewed Joint Motion for Partial Summary Judgment on Single Phase Two Asset, filed on June 2, 2014.¹ Mr. Richard Kremen's office will be handling the Motion for the Judgment Creditors, as I have another matter in Los Angeles which prevents me being in New York on that date. While it is not possible for me to appear at this hearing in person, I write to respectfully request that the Court allow me and my associate Jessica Rankin to appear telephonically at the August 21, 2014 hearing, as it has graciously done on occasion in the past.

If the Court permits my appearance by phone, please let me know the process by which I can call in and appear.

Very truly yours,


Suzelle M. Smith
Counsel for Plaintiffs, the Levin
Judgment Creditors

*Application granted
by order of
Judge Patterson
8/14/14*

SMS:cf

¹ The Court has also advised that the Levins' Motion for Leave to file Supplemental Complaint will be addressed at this hearing. Mr. Kremen's office will also handle that, although it is expected to be unopposed.

Honorable Robert P. Patterson, Jr.

August 13, 2014

Page 2

cc: Curtis Campbell Mechling, Esq. (by email)
James Bernard, Esq. (by email)
Ben Weathers-Lowin, Esq. (by email)
Richard M. Kremen, Esq. (by email)
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